

**CITY OF DARLINGTON COUNCIL PROCEEDINGS**  
**REGULAR SESSION**  
**DECEMBER 20, 2022**

The meeting was called to order by Mayor Mike McDermott at 7:00 PM. The Pledge of Allegiance was then recited. Present at roll call were: Erin Gallagher, Ray Spellman, Dave Roelli, Joe Boll, Cindy Corley and Steve Pickett. Absent: None. Also present were Aaron Stauffacher, Jeremy Williams, Bart Nies of Delta 3 Engineering and Phil Risseeuw.

Motion by Roelli second by Spellman that the meeting notice and agenda were properly posted. Motion carried. Motion by Pickett second by Roelli to approve the minutes of the previous meeting. Motion carried.

Under comments from citizens present, Jeremy Williams thanked the Council from himself and his men, for the Christmas gift. Mayor McDermott then reported the City of Darlington for SWCAP, received the CDBG-SP \$1,515,560.00 grant award for SWCAP's community services facility next to the Meadows Farm Worker housing complex. And Mayor McDermott stated a Lafayette County EMS meeting will be held next Tuesday, December 27, 2022 at 6:00 PM at the Lafayette County Courthouse.

Under unfinished business, discussion was held concerning the following matters related to the 2022 Infrastructure Improvement Project on Clay, Driver and E. North Streets. Bart Nies of Delta 3 Engineering attended the meeting to present information and answer questions. Bart also stated the punch list items for this project are complete, and Bart delivered the as built plans and maps to Jeremy Williams prior to this meeting. Bart also stated that he has not yet received the final lien waivers from Temperley Excavating, Inc., for this project.

- Temperley Excavating, Inc., Final Change Order – Change Order #1. A copy of the change order was included in the agenda packet. Change Order #1 shows a net reduction in the total contract amount of \$11,146.53. This was based on a \$2,000.00 add for an in-line water stop, and a 13,146.53 deduction for the change in actual quantities used in the project. Bart stated the total net contract cost and engineering fees were approximately \$70,000.00 lower than initially projected. After discussion and consideration, motion by Gallagher second by Pickett to approve Temperley Excavating, Inc., Change Order #1 as presented. Motion carried.
- Temperley Excavating, Inc., Final Pay Application – Pay Application #7. A copy of the pay application was included in the agenda packet. Pay application #7 shows an amount due of \$198,674.90. Bart stated the final pay application includes the Change Order #1 net reduction. Alderperson Pickett asked if there should be some retainage held in case something needs to be fixed in the spring. Bart explained the signed contract contains a one-year warranty period, requiring the contractor to come back at their expense to fix anything that isn't working. Therefore, Bart didn't feel retainage was necessary.

Bart did recommend however, that the final payment not be made until all of the final lien waivers are provided by Temperley Excavating, Inc. A representative of Delta 3 Engineering will tell us when it's time to release the payment. Alderperson's Boll and Roelli then reported on comments they received and concerns they had regarding the work ethic and work practices of the workers for Temperley Excavating. Comments were also shared by Jeremy Williams and Bart Nies on this same topic. Bart stated he would share the comments and concerns with the ownership of Temperley Excavating. After discussion and consideration, motion by Pickett second by Corley to approve Pay Application #7 in the amount of \$198,674.90 as presented; after receipt of the final lien waivers, and approval by representatives of Delta 3 Engineering. Motion carried. Bart Nies then left the meeting.

Under new business, discussion was held concerning a conditional use permit renewal request from Martin Lobato & Lourdes Sayago for their business located at 126 E. Cornelia Street. A copy of a letter from Lobato & Sayago was included in the agenda packet. Mayor McDermott and Jeremy Williams also reported on conversations with Lobato & Sayago regarding their problems and progress in opening a grocery store at this location. After discussion and consideration, motion by Roelli second by Gallagher to approve a two-year renewal of the conditional use permit for Martin Lobato & Lourdes Sayago for their business located at 126 E. Cornelia Street as requested. Motion carried.

Discussion was then held concerning an application for Temporary Class "B" Retailer's License from Driver Opera House for 5:00 PM to 11:00 PM, Saturday, January 14, 2023, in the Driver Opera House at 250 Main Street. A copy of the license application and approval letter from Chief King were included in the agenda packet. After discussion and consideration motion by Pickett second by Gallagher to approve the Temporary Class "B" Retailer's License application from Driver Opera House as presented. Motion carried.

Discussion was then held concerning proposed Resolution 2022-08, A Resolution Transferring Funds. A copy of the proposed resolution was included in the agenda packet. This resolution is the annual transfer of funds from expense accounts with unexpended funds to expense accounts that have exceeded their budget amounts. Several questions were asked by those present regarding this information. After discussion and consideration, motion by Gallagher second by Boll to approve Resolution 2022-08, A Resolution Transferring Funds as presented. Motion carried. Jeremy Williams then left the meeting.

Discussion was then held concerning proposed Resolution 2022-09, A Final Resolution to Vacate Portions of First Street, Second Street, Third Street, Chestnut Street, Elm Street and East Street Located in the Plat of the Town of Avon Pursuant to Section 66.1003(4) Wis. Stats. A copy of the proposed resolution was included in the agenda packet. Attorney Stauffacher reported on the need for this resolution, and that this request came from representatives of the Darlington Community School District. Attorney Stauffacher reported that a Public Hearing on this topic was held just prior to this Council meeting; and no objections were filed against this street vacating request.

After discussion and consideration, motion by Pickett second by Spellman to approve Resolution 2022-09, A Final Resolution to Vacate Portions of First Street, Second Street, Third Street, Chestnut Street, Elm Street and East Street Located in the Plat of the Town of Avon as presented. Motion carried.

The November 30, 2022 financial statements for the City, Water Dept. and Sewer Dept. were then presented for review and approval. Copies of these financial statements were included in the agenda packet. After review and consideration, motion by Pickett second by Roelli to approve the November 30, 2022 financial statements for the City, Water Dept. and Sewer Dept. as presented. Motion carried.

Under reports of committees, those present were reminded to attend a Public Hearing and Consideration of Adoption of City of Darlington Comprehensive Plan, 2023-2033, scheduled for Tuesday, January 3, 2023 beginning at 6:00 PM. And Alderperson Pickett reported the Fire Commission sold the 2000 tanker truck being replaced with a new vehicle, on Wisconsin Surplus for approximately \$35,000.00.

Motion by Gallagher second by Roelli to go into closed session in accordance with Section 19.85 (1) (e) Wis. Stats., to consider a contract proposal from the Darlington Professional Police Association; and Section 19.85 (1) (g) Wis. Stats., to confer with legal counsel regarding a current engineering contract. Roll Call Vote: All Ayes. Motion carried.

Motion by Gallagher second by Roelli to reconvene to regular session in accordance with Section 19.85 (2) Wis. Stats., to take action if necessary, concerning a contract proposal from the Darlington Professional Police Association; and adjourn the meeting. Roll Call Vote: All Ayes. Motion carried.

After discussion and consideration, motion by Roelli second by Boll to approve a one-year contract extension with the Darlington Professional Police Association, which includes a 5.0% wage increase for the Darlington Police Officers. Motion carried.

There being no further business for this meeting, motion by Roelli second by Corley to adjourn the meeting at 8:20 PM. Motion carried.

CITY OF DARLINGTON

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Philip A. Risseuw, Clerk-Treasurer